

**IN THE CIRCUIT COURT FOR THE FIFTEENTH JUDICIAL CIRCUIT
MONTGOMERY COUNTY, ALABAMA**

Taiwan Burton,)	
Petitioner,)	
)	
v.)	CC No. 91-952
)	
State of Alabama,)	
Respondent.)	


ORDER

This matter is before the Court on the petitioner's Rule 32 Petition and the State's Motion for Summary Disposition and Dismissal pursuant to Rule 32.7(d), A.R.Crim.P. The Court having considered the petition, the State's motion and the Court's own records in this case, and after having granted the Defendant an oral hearing, is of the opinion that this matter is appropriate for dismissal.

Based upon the evidence before this Court, it is clear that this petition is without merit. The petitioner's claims that his conviction was obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea and that the plea was obtained by use of coercion are precluded pursuant to Rule 32.2(a)(3), A.R.Crim.P. because the Petitioner could have but did not raise the allegation of a plea agreement at trial or on direct appeal.

It is therefore, ORDERED, ADJUDGED and DECREED that the instant petition be DENIED and DISMISSED WITH PREJUDICE.

DONE this the 21 day of Feb, 1995.


Charles Price, Circuit Judge

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